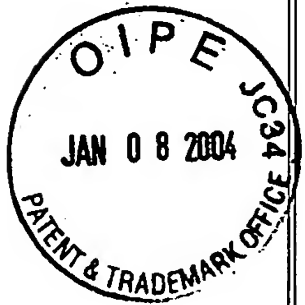


Image



PATENT

Customer No. 22,852

Attorney Docket No. 01975-0034-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Willy DELEERSNIJDER et al.

Application No. 10/088,744

Filed: March 22, 2002

For: HUMAN G-PROTEIN COUPLED  
RECEPTOR

)  
)  
) Group Art Unit: 1645  
)  
) Examiner: Ulm, J. D.  
)  
)  
)  
)  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated December 8, 2003, Paper No. 2, the Examiner required restriction under 35 U.S.C. § 121 between the following groups of claims:

Group I, claims 1, 2, 5 to 21, 26, 28, 29, 31, 33, 34, 36, 38 to 48, 50, 52 to 56, 60, 68 and 69, drawn to an isolated nucleic acid encoding an IGS4 neuromedin receptor protein, the protein encoded thereby, and methods of use;

Group II, claims 22 and 61, drawn to an antibody;

Group III, claims 23 and 62, in so far as they are drawn to a method of treatment by administering an agonist;

Group IV, claims 23 and 62, in so far as they are drawn to a method of treatment by administering an isolated polynucleotide;

Group V, claims 24 and 63, in so far as they are drawn to a method of treatment by administering an antagonist;

Group VI, claims 24 and 63, in so far as they are drawn to a method of treatment by administering an antisense polynucleotide;

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

Group VII, claims 25 and 64, in so far as they are drawn to a diagnostic method involving the detection of a genetic mutation;

Group VIII, claims 25 and 64, in so far as they are drawn to a diagnostic method involving the quantitation of a polypeptide in a sample;

Group IX, claim 37, drawn to a method of creating a transgenic animal;

Group X, claims 65 to 67, drawn to a binding assay not requiring an isolated polynucleotide or isolated protein;

Group XI, claims 27, 30, 49, 57, 59, drawn to an agonist of unspecified constitution; and

Group XII, claims 32, 35, 51, 58, drawn to an antagonist of unspecified constitution.

Applicants provisionally elect to prosecute Group I, claims 1, 2, 5 to 21, 26, 28, 29, 31, 33, 34, 36, 38 to 48, 50, 52 to 56, 60, 68 and 69, drawn to an isolated nucleic acid encoding an IGS4 neuromedin receptor protein, the protein encoded thereby, and methods of use, with traverse. Furthermore, Applicants provisionally elect the species of SEQ ID NO: 2 or 6, also with traverse. Claims 1, 2, 5 to 21, 26, 28, 29, 31, 33, 34, 36, 38 to 48, 50, 52 to 56, 60, 68 and 69 are readable on this species.

Applicants traverse this Restriction Requirement because all of the claims relate to the IGS4 G-protein coupled receptors. Although the Office suggests that there are differences in the structure and utility of the claimed embodiments of the invention, such as nucleic acids, proteins, antibodies, etc., each of these embodiments relates to the one inventive concept of the novel G-protein coupled receptors. Furthermore, the Office has not indicated the classes of search that must be conducted for each of the groups of claims to show that they present an undue burden. "If the search and examination of

an entire application can be made without serious burden, the examiner must examine it on the merits even though it includes claims to independent or distinct inventions."

(M.P.E.P. § 803) Therefore, Applicants respectfully request that the Restriction Requirement be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 8, 2004

By: 

Deborah Katz

Reg. No. 51,863

Phone: (202) 408-4382

Fax: (202) 408-4400

E-mail: [deborah.katz@finnegan.com](mailto:deborah.katz@finnegan.com)

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)